

Message Text

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ACTION EB-11

INFO OCT-01 EUR-25 ADP-00 CAB-09 CIAE-00 COME-00 DODE-00

INR-10 NSAE-00 RSC-01 FAA-00 SS-15 L-03 H-03 NSC-10

IO-13 OIC-04 DOTE-00 AF-10 ARA-16 EA-11 NEA-10 RSR-01

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P R 201542Z JUL 73

FM AMEMBASSY MOSCOW

TO SECSTATE WASHDC PRIORITY 552

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY ROME

AMCONSUL MONTREAL

C O N F I D E N T I A L MOSCOW 8663

E.O. 11652: GDS

TAGS: PINS, PFOR, OTRA

SUBJECT: CIVAIR: ROME DIPLOMATIC CONFERENCE/EXTRAORDINARY
ASSEMBLY - SOVIET CONSULTATIONS

DEPARTMENT FOR BROWER FROM HUFFMAN

MONTREAL FOR US REP ICAO

1. SOVIET-US CONSULTATIONS JULY 20, CHAIRED BY P.N. YEVSEYEV, COUNSELOR, TREATY AND LEGAL DIVISION MFA; FNU SOLOV'YEV, MINISTRY OF CIVIL AVIATION; V.I. TRIFONOV, FIRST SECRETARY USA DIVISION MFA, TRANSLATOR, ZIMMERMANN (US) AND HUFFMAN (US). LUNCHEON FOLLOWED HOSTED BY AMBASSADOR O.N. KHLESTOV (CHIEF, TREATY AND LEGAL DIVISION (MFA). ATMOSPHERE EXTREMELY CORDIAL THROUGHOUT THOUGH POTENTIALLY SIGNIFICANT SUBSTANTIVE PROBLEMS WERE REVEALED.

2. FOLLOWING IS SUMMARY OF DISCUSSIONS ON SUBSTANTIVE PROPOSALS BEFORE UPCOMING ROME MEETINGS:

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A. SOVIET PROPOSAL: SOVIETS INTERESTED IN MODIFYING THEIR PROPOSAL TO ENSURE AS BROAD ACCEPTANCE AS POSSIBLE. THIS COULD INCLUDE PROVISION ENABLING PROSECUTION INSTEAD OF EXTRADITION FOR PERSONS QUALIFYING UNDER CERTAIN POLITICAL, ETC. CRITERIA. MAIN DESIRE EXPRESSED BY SOVIETS WAS INTEREST IN ESTABLISHING PRINCIPLE THAT EXTRADITION WAS PREFERRED REMEDY FOR HIJACKING, ALTHOUGH THERE COULD BE EXCEPTIONS TO THIS PRINCIPLE. THEY CITED STEVENSON SPEECH AT 1970 HAGUE CONFERENCE TO SUPPORT THEIR POSITION. NO SPECIFIC FORMULATIONS DISCUSSED BUT GROUNDWORK PREPARED FOR POSSIBLE COOPERATION ON THIS ISSUE IN ROME. SOVIETS EXPRESSED INTEREST IN ANY FORMULATIONS US MIGHT WISH TO PROPOSE TO MODIFY CURRENT SOVIET DRAFT.

B. ORIGINAL NORDIC PROPOSAL: SOVIETS THOUGHT NORDIC PROPOSAL WAS USEFUL EFFORT TO RAISE EFFECTIVENESS OF HAGUE AND MONTREAL CONVENTIONS. SOVIETS, HOWEVER, EXPRESSED CONCERN ABOUT BUDGETARY CONSEQUENCES OF WIDENING RESPONSIBILITIES OF ICAO COUNCIL.

C. US PROPOSALS TO MODIFY PROPOSED NORDIC CONVENTION: SOVIETS INDICATED THEY WERE NOT OPPOSED TO CONCEPT OF COMMISSION OF EXPERTS BUT COULD NOT GIVE FINAL POSITION AT THIS TIME. DISCUSSIONS OF US PROPOSAL DISCLOSED POTENTIALLY FUNDAMENTAL JURIDICAL OBSTACLE TO US-SOVIET COOPERATION. SOVIETS MADE IT VERY CLEAR THAT THOUGH NORDIC PROPOSAL DID NOT OFFER PROSPECT OF MANDATORY SANCTIONS, IT WOULD PERMIT ACTIONS BY GROUP OF STATES AGAINST ANOTHER STATE (I.E. REVIEW OF THAT STATE'S CONDUCT AND JUDGMENT UPON IT). SOVIETS FELT THIS SHOULD REQUIRE THAT STATE, THE SUBJECT OF REVIEW AND JUDGMENT, EITHER BE PARTY TO CONVENTION OR GIVE ITS CONSENT. (F.Y.I. NORDIC PROPOSAL WOULD REQUIRE THIS FOR FACT-FINDING PHASE BUT US PROPOSALS WOULD NOT.) AFTER PROTRACTED DISCUSSION IN WHICH US REP INDICATED SIGNIFICANCE OF THIS POINT TO US, SOVIET REP REQUESTED POSTPONEMENT OF FURTHER DISCUSSIONS UNTIL ROME (POSSIBLY LEAVING ROOM FOR POLITICALLY MOTIVATED FLEXIBILITY AT LATER DATE).

D. AMENDMENT PROPOSALS-SANCTIONS: SOVIETS ADHERED TO PREVIOUSLY EXPRESSED LEGAL POSITION THAT UN SECURITY COUNCIL WAS VESTED WITH EXCLUSIVE AUTHORITY TO DECIDE UPON SANCTIONS AGAINST OTHER STATES. CONSEQUENTLY SOVIETS OPPOSED TO UK/SWISS PROPOSAL TO AMEND ARTICLES 86 AND 87, ENABLING ICAO COUNCIL TO REQUIRE DENIAL OF CONFIDENTIAL

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AIRSPACE AND FRENCH PROPOSAL TO APPLY ARTICLE 94 TO EXPEL FROM ICAO STATES FAILING TO RATIFY AMENDMENT AFTER ITS ENTRY INTO FORCE.

E. AMENDMENT PROPOSALS - HAGUE AND MONTREAL PROVISIONS: SOVIETS STATED AS JURIDICAL POSITION THEIR PREFERENCE THAT CHICAGO CONVENTION ("GENERAL CONSTITUTIONS FOR INTERNATIONAL CIVIL AVIATION") NOT BE ENCUMBERED BY SOME PROVISIONS OF A SPECIFIC CHARACTER (E.E.

HAGUE AND MONTREAL PROVISIONS). HOWEVER, THEY AGREED THAT SOME POSITIVE RESULT OF ASSEMBLY WAS LIKELY (AND NECESSARY IF CONFERENCE TO BE SUCCESSFUL) AND THAT ADOPTION OF RECENT THREE-NATION PROPOSAL MIGHT BE SATISFACTORY RESULT.

3. PROCEDURES: SOVIETS AGREED THAT IF WE COULD REACH COMMON UNDERSTANDING ON MATTERS OF SUBSTANCE, IT WOULD BE EASY TO AGREE UPON PROCEDURES DESIGNED TO SIMPLIFY AND EXPEDITE CONFERENCE, ENHANCING LIKELIHOOD POSITIVE RESULT. THEY INDICATED SOME CONCERN ABOUT APPARENT UK/FRENCH EFFORT ALTER PROPOSED CONVENTION RULE 20 BUT RESERVED POSITION. THEY ALSO INDICATED INTEREST IN UTILIZING COMMITTEE OF THE WHOLE WHICH COULD MAKE RECOMMENDATIONS TO CONFERENCE ON BASIS SIMPLE MAJORITY VOTE.

4. CHAIRMEN: SOVIETS SAID THEY WOULD HAVE NO PROBLEMS WITH SCIOLLA LA GRANGE PROVIDED HE WAS SPONSORED BY ITALIAN GOVERNMENT. THEY EXPRESSED FAVOR FOR TWO CHAIRMEN AND DID NOT DISCLOSE THEIR VIEWS ON ASSEMBLY CHAIRMAN.

5. SOVIET DELEGATION WILL BE HEADED BY S.S. PAVLOV, CHIEF, ADMINISTRATION FOR FOREIGN RELATIONS, U.S.S.R. MINISTRY OF CIVIL AVIATION, AND WILL INCLUDE BOTH MR. YEFSEYEV AND MR. SOLOV'YEV (WHO PARTICIPATED IN CONSULTATIONS). THERE WILL BE SEPARATE DELEGATIONS AT CONFERENCE FOR U.S.S.R., BYELORUSSIA AND UKRAINE, EACH WITH SEPARATE VOTES.

6. ATTITUDE REFLECTED BY SOVIETS WAS EXTREMELY POSITIVE (NOTWITHSTANDING CERTAIN SUBSTANTIVE DISAGREEMENTS), OFFERING POSSIBILITY OF CLOSE AND EFFECTIVE COORDINATION AT ROME MEETINGS.
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